

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Moshe Rock et al. Art Unit : 1771
Serial No. : 10/047,939 Examiner : Jennifer A. Boyd
Filed : October 23, 2001
Title : ENHANCED COMPOSITE SWEATSHIRT FABRIC WITH KNIT
CONSTRUCTED CHANNELS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MOSHE ROCK

I, Moshe Rock, declare as follows:

1. I am Senior Vice President of Corporate Research and Development for Malden Mills Industries, Inc. ("Malden Mills"), world-renowned manufacturer of POLARTEC® fleece fabric products. I have held this position for two years. I have been employed at Malden Mills since 1981.

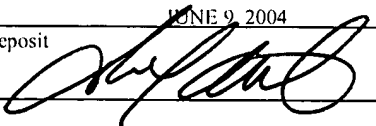
2. Malden Mills is assignee of the above-captioned patent application. Malden Mills is also assignee of Lumb et al. U.S. 5,312,667 and Rock et al. U.S. 5,817,391, the patents cited as prior art against the present application.

3. I am a joint inventor for this patent application and for each of the cited prior art references (Lumb et al. '667 and Rock et al. '391).

4. Lumb et al. '667 describes a plaited construction, which means a fabric formed of first and second fabric layers, the layers being distinct and separate but intimately plaited (i.e., interlaced) and together forming a unitary body, for movement of moisture between the first and second fabric layers. Disadvantages of the plaited construction of Lumb et al. '667 are described

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit JUNE 9, 2004
Signature 

TIMOTHY A. FRENCH
Typed or Printed Name of Person Signing Certificate

in the present application (page 1, lines 15-27), i.e. "The moisture absorbent material becomes saturated, and since there is little driving force to spread the moisture outwardly, evaporation is limited and the excess moisture backs up into the inner layer, wets the wearer and leads to discomfort." (page 1, lines 24-27)

5. Rock et al. '391 describes a three dimensional fabric for use as a bed pad, with separate layers spaced apart across a relatively open, lateral airflow region by pile yarns. This construction is not a "plaited construction" as that term is understood by persons of ordinary skill in the art of fabrics. Furthermore, the surface of the three-dimensional fabric described by Rock et al. '391 is standard fleece, as described in the background. The drawing (FIG. 2) does not represent channels. In particular, there is no teaching or suggestion in Rock et al. '391 for a surface of discrete pillar regions of relatively deeper pile spaced apart and isolated from each other by regions of relatively shorter pile or no pile forming a plurality of intersecting channels passing among the discrete pillar regions and open to the wearer's skin, the channels defining insulation regions to contain a cushion of air for promoting warmth under static conditions during periods of wearer inactivity and defining circulation regions creating avenues for flow of air and enhanced evaporation of moisture from the skin of the wearer for a heat dissipation or cooling effect during periods of physical activity by the wearer.

6. The fabric of the present invention is formed with an inner surface of discrete pillar regions of relatively deeper pile. The discrete pillar region are spaced apart and isolated from each other by regions of relatively shorter pile or no pile forming a plurality of intersecting channels passing among the discrete pillar regions and open to the wearer's skin. The channels define insulation regions to contain a cushion of air for promoting warmth under static conditions during periods of wearer inactivity and define circulation regions creating avenues for flow of air and enhanced evaporation of moisture from the skin of the wearer for a heat dissipation or cooling effect during periods of physical activity by the wearer.

8. The disadvantages of Lumb et al. '667, as described above, are well recognized, and it is appreciated that the plaited construction of Lumb et al. '667 is not suited to the bed pad application of Rock et al. '391.

8. Modifying the three dimensional fabric construction of Rock et al. '391 into a plaited construction described by Lumb et al. '667, as proposed by the Examiner, renders the invention of Rock et al. '391 unsatisfactory for its intended purpose of a bed pad with a lateral airflow passage formed between the fabric layers.

9. Lumb et al. '667 and Rock et al. '391, whether taken alone, or in any proper combination, do not teach or suggest the invention of present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: June 7TH, 2004

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